

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**LINCOLN NATIONAL LIFE
INSURANCE COMPANY,**

Plaintiff,

v.

No. 08mc0015 BB

**A. DAVID SILVER, a/k/a DAVID
SILVER; ADS PARTNERS, LTC; DOE
COMPANIES, 1-10,**

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Defendants' *Motion to Consolidate Cases*, filed April 14, 2011 [Doc. 225], and on pro se Plaintiff David Silver's *Motion to Disqualify Arland and Associates and William J. Arland III from Representing Plaintiff [sic] and a Motion to Dismiss Due to the Use of a Forged Judgment Docket*¹, filed May 17, 2011 [Doc. 230]. The Court will deny the Defendants' motion as moot and will deny Silver's motions as frivolous.

The Court recently dismissed Silver's complaint in *Silver v. Glass*, No. 11cv0256 BB/KBM Doc. 70 (D.N.M. July 8, 2011), which arises out of the same events and documents associated with this case. The basis of Silver's complaint in that case – which is also the basis of his motion to disqualify counsel and to dismiss the case at bar – is his frivolous claim that Lincoln National's attorneys must have "forged" the November 14, 2007 Judgment Docket that they filed in 97mc3, which is the predecessor to the case at bar. The Court adopts in full and incorporates the Court's

¹ Silver has improperly combined two documents in one filing. See D.N.M. Administrative Order No. 92-88 (requiring the parties to "submit a separate pleading for each matter upon which adjudication or a ruling of the Court is sought," but allowing for the filing of a matter in the alternative). The Court has already informed Silver that this is improper, see Doc. 203 at 7, and the Court will strike future filings that ignore that Order.

findings regarding the existence and validity of the November 14, 2007 Judgment Docket and the October 21, 2004 Order, as well as the Court's legal conclusions made in the July 8, 2011 Memorandum Opinion and Order in case No. 11cv256 BB/KBM. Accordingly, for the reasons stated in that Order, the Court concludes that the November 14, 2007 Judgment Docket has not been forged as a matter of law and that there is no reasonable basis for disqualifying counsel or dismissing the case at bar.

IT IS ORDERED that the Defendants' motion to consolidate [Doc. 225] is DENIED as moot;

IT IS FURTHER ORDERED that Silver's motions to disqualify counsel and to dismiss this case [Doc. 230] are DENIED.



CHIEF UNITED STATES DISTRICT JUDGE